

REMARKS

Applicants' representative would like to thank Examiner Edell for the courtesies extended during an interview on April 12, 2006. During the interview, the Examiner agreed that DeBrabant (U.S. Pat. No. 6,880,890) does not qualify as a reference under 35 U.S.C. § 102(e). DeBrabant has a filing date of February 5, 2004, for purposes of § 102(e). The present application properly claims priority to U.S. Provisional Patent Application No. 60/537,480, filed January 16, 2004, which is earlier in time than February 5, 2004 (DeBrabant's filing date for § 102(e) purposes). Accordingly, Applicants respectfully submit that independent Claim 23, as well as Claims 10-15 and 24-25, dependent therefrom, are in condition for allowance.

Claims 10-25 are now pending in the application. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 10, 15, and 23-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by DeBrabant (U.S. Pat. No. 6,880,890).

Claims 16-18, 21, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miyashita et al. (U.S. Pat. No. 4,641,884).

These rejections are respectfully traversed.

At the outset, Applicants respectfully submit that Claim 23, as well as Claims 10-15 and 24-25, dependent therefrom, are in condition for allowance, as DeBrabant fails to qualify as a prior art reference under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

With regard to independent Claim 16, Applicants submit that Miyashita fails to teach a headrest assembly having a first housing and cross-member fixedly attached to a seatback, a second housing rotatably supported by the first housing, and a lock member that selectively engages the cross-member to prevent rotation of the second housing relative to the first housing. Rather, Miyashita teaches an adjusting mechanism (5) having a gear (44) rotatably supported near a housing (42) by a hinge pin (46). See Miyashita at Figure 7. The gear (44) is free to rotate about the hinge pin (46) relative to the housing (42) and is restricted from rotating relative to the housing (42) when teeth (48a) of a lock gear (48) engage teeth (44b) of the gear (44). See Miyashita at Col. 8, Ins. 29-44, and Figure 7. The hinge pin (46) does not *engage* the gear (44) or the lock gear (48) to place the adjusting mechanism (5) in a locked or unlocked position. Rather, a locking position is achieved through selective engagement between the lock gear (48) and the gear (44). Neither of the gear (44) or the lock gear (48) engage the hinge pin in the locked position. In fact, the relationship between the gear (44) and the hinge pin (46) and the lock gear (48) and the hinge pin (46) is the same in both the locked position and the unlocked position. The hinge pin (46) is simply provided to allow the gear (44) to be rotatably supported adjacent to the housing (42). See Figure 7.

Because Miyashita fails to teach an adjustment mechanism having a lock member that selectively engages a cross-member of a first housing to selectively prevent rotation of a second housing, Applicants respectfully submit that Miyashita fails to teach each and every element of the present teachings. Accordingly, Applicants respectfully submit that independent Claim 16, as well as Claims 17-22, dependent therefrom, are in condition for allowance. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DeBrabant (U.S. Pat. No. 6,880,890) in view of Miyashita et al. (U.S. Pat. No. 4,641,884).

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DeBrabant (U.S. Pat. No. 6,880,890) in view of Robinson (U.S. Pat. No. 5,681,079).

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyashita et al. (U.S. Pat. No. 4,641,884) in view of Robinson (U.S. Pat. No. 5,681,079).

These rejections are respectfully traversed.

At the outset, Applicants note that the rejection of Claims 11-14 under 35 U.S.C. § 103(a) is based on DeBrabant qualifying as a reference under 35 U.S.C. § 102(e). Because DeBrabant fails to qualify as a reference under 35 U.S.C. § 102(e), as discussed above, Applicants respectfully submit that the rejection of Claims 11-14 under

35 U.S.C. § 103(a) is improper. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.


Independent Claim 16 is believed to be in condition for allowance in light of the foregoing remarks. Because Claims 19 and 20 depend from independent Claim 16, Claims 19 and 20 are similarly believed to be in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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